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In re Application of :
Stuart A. Kaufman et al :
Serial No.: 08/882,950 : PETITION DECISION
Filed: June 26, 1997 :
Attorney Docket No.: P-SK 4376 :

This is in response to the petition under 37 CFR 1.181, filed September 11, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply.

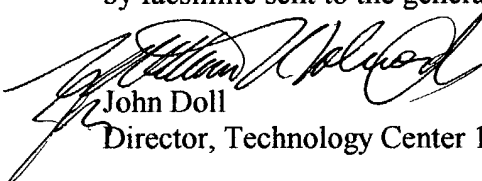
A review of the file history shows that the examiner mailed a Final Office action to applicants on August 14, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply the examiner mailed a Notice of Abandonment to applicants on June 9, 2003. Applicants state that a reply consisting of an amendment, Notice of Appeal and a request for a three month extension of time and the fees therefore were filed February 14, 2003, and provide an Office date stamped postcard (dated February 21, 2003) evidencing receipt of the reply by the Office and copies of the reply and Notice of Appeal. The response has now been located and correlated with the file. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for consideration of the amendment filed February 14, 2003.

The two month time period for filing of an Appeal Brief runs from the date of mailing of this decision and may be extended under 37 CFR 1.136(a).

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 703-272-0519 or by facsimile sent to the general Office facsimile number.


John Doll
Director, Technology Center 1600